

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,

*Richmond, July 30, 1863.*

GENERAL ORDERS, }  
No. 106.

I. Before a General Court Martial, convened at Shelbyville, Tennessee, by virtue of Special Orders, No. 134, paragraph VII, current series, from Head Quarters Army of Tennessee, was arraigned and tried:

Private JOHN WHITHEAD, Company F, 16th Tenn. Regiment, on the following Charge:

CHARGE—Desertion.

FINDING.

Of the Specification,

Guilty.

Of the Charge,

Guilty.

SENTENCE.

To be shot to death with musketry.

II. The proceedings in the above case having been laid before the Secretary of War, for the decision of the President, it is ordered, upon the application of the Commanding General, and upon the statement made by the Medical Director of the Army of Tennessee, that the sentence be remitted. Private Whithead will be released and returned to duty.

III. The proceedings in the case of Private L. H. Toole, Company E, 3d Ga. Regiment, convicted before a General Court Martial, convened at the Camp of Major General R. H. Anderson, by virtue of General Orders, No. 133, of 1862, from Head Quarters of Northern Virginia, of abandoning his company and regiment, then on picket duty, and running away, while the enemy was bombarding the town of Fredericksburg, on the 11th December 1862, and sentenced to be shot to death by musketry, having been laid before the Secretary of War, for the decision of the President, it is ordered, that in consideration of the additional evidence of good conduct, referred to by the general of division, the previous gallant services and zeal of the prisoner, together with the punishment he has already suffered, the sentence is remitted, with the hope that this lesson will prevent a recurrence of like misconduct. The prisoner will be released and returned to duty.

By order.

S. COOPER,

*Adjutant and Inspector General.*